



MOTOR CARRIER FACTORS GROUP SUPPLEMENTAL FACTUAL REPORT

Victoria, TX

HWY-08-MH-011

(4 Pages)



**NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF HIGHWAY SAFETY
WASHINGTON, D.C. 20594**

**MOTOR CARRIER FACTORS GROUP
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A. ACCIDENT

Type: Motorcoach, overturn
Date and Time: January 2, 2008, 4:13 a.m. CST
Location: Northbound US Rt. 59, MP642A at the merge with Spur 91
Victoria, Victoria County, Texas
Vehicle #1: 2005 Volvo Model 9700, 47-Passenger Motorcoach
Vehicle #2: Ford Ranger pickup truck
Motor Carrier: International Charter Services
Fatalities: 1
Injuries: 48

NTSB#: HWY-08-MH-011

C. ACCIDENT SUMMARY

On January 2, 2008 about 4:13 a.m. a 2005 Volvo 47-passenger motorcoach with 47 passengers on-board was proceeding northbound on US Highway 59 about five miles south of Victoria, Texas. The motorcoach operated by a 47-year old driver entered a 1,000-foot, 3.5-degree curve to the left. The motorcoach drifted off the right edge of the roadway and came back across both lanes, descending a three percent downgrade, when the left side of the motorcoach departed the left edge of the roadway entering an earthen area. While under braking, the continued approximately 222 feet with the left wheels on the earthen area and the right wheels on the paved shoulder. The motorcoach re-entered the roadway for about 40 feet when the driver overcorrected and the motorcoach began to yaw to the left in a counter-clockwise rotation. The motorcoach overturned onto its right side. After overturning, the right rear of the motorcoach struck a guardrail on the right side of the roadway. The motorcoach slid on its right approximately 112 feet where it came to rest across the roadway.

A 2001 Ford Ranger pickup truck traveling northbound on US Route 59 struck the underside of the motorcoach forward of the rear axle. This collision resulted in damage to the motorcoach underside and cargo bay, and heavy damage to the front of the pickup truck.

As a result of the initial motorcoach rollover, one passenger was fatally injured, 46 passengers and the driver received various degrees of injuries from minor to serious. The driver of the pickup truck sustained minor injuries when the pickup truck subsequently struck the undercarriage of the motorcoach.

The weather was cloudy and the roadway was dry at the time of the accident.

Supplemental Information

Lincoln-Juarez Bridge Inspection Facility

On August 26 – 29, 2008 members of the Safety Board traveled to Laredo and Houston Texas to gather additional information regarding non-FMVSS¹ conforming vehicles operating in the United States and the inspection processes at the Lincoln-Juarez Bridge border crossing facility.

While at the Lincoln-Juarez Bridge inspection facility in Laredo, TX the Safety Board observed several inspections of motorcoaches entering the United States. The inspections were conducted by agents of the Federal Motor Carrier Safety Administration (FMCSA) and by the Texas Department of Public Safety (Texas DPS). Commercial Vehicle Safety Alliance (CVSA) Level 1, 2, and 3 were conducted.² The Safety Board noted that a 2008 Volvo motorcoach, bearing a Mexican license plate 288-HU-9 and a Texas motor bus plate T01-482, belonging to Los Chavez Autobuses Inc., of Houston Texas³ entered the United States from Mexico carrying passengers.

As noted in the Motor Carrier Factual report, Volvo motorcoaches are not manufactured for the US market and are not FMVSS compliant. NTSB investigators verified the vehicle's non-FMVSS compliance by checking the vehicle's VIN plate and noting the absence of the required FMVSS compliance certification on the plate. This vehicle was subject to a Level 1 inspection and passed. The vehicle was allowed to proceed to its destination in Houston. As was discussed in the Motor Carrier Factual report, the FMCSA lacks the statutory authority to prohibit such a vehicle from entering or operating in the US.

¹ Federal Motor Vehicle Safety Standards - Title 49 Code of Federal Regulations Part 571.

² There are 7 Levels (or categories) of roadside inspections. A Level 1 inspection includes the driver and vehicle (including an inspection of the components on the under carriage such as brake adjustment; a Level 2 is the driver only; a Level 3 is the vehicle only (a walk around inspection and does NOT include an inspection of the vehicle's undercarriage components); Level 4 is a special item inspection; Level 5 is a vehicle only inspection at the carrier's terminal; Level 6 is a Hazardous Materials inspection; Level 7 is a Jurisdictional Mandated Vehicle Inspection – for specific areas of concern.

³ USDOT # 656482 and MC # 320494. FMCSA records indicate that the carrier has three such Volvo motorcoaches operating in its' fleet.

Flores US Bus Lines Inc.

While in Houston, Texas the Safety Board investigators went to the location of Capricorn Bus Lines, a subject in the original Victoria, Texas crash investigation. NTSB investigators observed two Volvo motorcoaches parked in the lot⁴. The vehicles bore the name Turismo Internacional⁵ and a USDOT # 1776152 and an MC #648083. A subsequent FMCSA records check indicated that the operating authority associated with the USDOT number was Flores US Bus Lines Inc., with an office location in Duarte, CA and a mailing address in Santa Fe Springs, CA.

On Sept. 2, a Safety Board investigator made contact with the New Alliance Insurance Brokers located at 13310 Firestone Blvd., F2 in Santa Fe Springs, California and learned that the company provided the insurance for the motorcoaches owned by Flores US Bus Lines; that they assisted the carrier with registering the motorcoaches in California; and that they acted as the mail recipient for the carrier. They collected the mail and then forwarded it to the address in Duarte, California.

On Sept. 3, a Safety Board investigator contacted the residents of 1604 Fairdale Ave. Duarte, California. The location was a single-family residence. Contact was made with the person listed on the rental agreement as the “lessee”. She informed the Safety Board investigator that a friend referred Mr. Flores of Flores US Bus Lines to her. They had negotiated the rental agreement over the phone and by fax and mail. The agreement called for rent of \$800 per month. She indicated that she never received any money from Mr. Flores, has never seen Mr. Flores or any of the carrier representatives, and has not heard from him since they signed the agreement. According to her, the agreement is invalid.

⁴ These Volvos were the same vehicles listed in the inventory of Capricorn Bus Lines as found in the Motor Carrier Factual Report.

⁵ FMCSA records show no company named Turismo Internacional being granted operating authority.